

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

JOHN ANTHONY CASTRO
12 Park Place, Mansfield, TX 76063

Plaintiff,

v.

SECRETARY OF STATE DAVID
SCANLAN
107 North Main Street, Room 204, Concord,
NH 03301

DONALD JOHN TRUMP
1100 S. Ocean Blvd, Palm Beach, FL 33480

Defendants.

Case No. 1:23-cv-00416-JL-TSM

**MOTION TO COMPEL ATTENDANCE OF DEFENDANTS AND WITNESS JOHN
MICHAEL FORMELLA AT JURISDICTIONAL HEARING**

Plaintiff John Anthony Castro move this Court to compel the attendance, either in-person or via electronic video conferencing, of Defendant Donald John Trump, Defendant David Michael Scanlan, and Material Witness John Michael Formella.

Defendant Donald John Trump has asserted the Political Question Doctrine as one of the bases for his assertion that this Court lacks subject matter jurisdiction. One aspect of the Political Question Doctrine is whether the U.S. Constitution reserves this matter exclusively for one of the political branches: the executive or legislative branches. However, Material Witness John Michael Formella, the Attorney General of the State of New Hampshire, provided his expert legal advice and concluded that Defendant Secretary of State actually did not possess the authority to make a determination as to Defendant Donald John Trump's qualifications under the U.S. Constitution. Defendant David Michael Scanlan, in his official capacity, accepted this legal conclusion and

publicly stated that his role is merely ministerial: if a person signed the Declaration of Candidacy and pays \$1,000, he will process their paperwork regardless of who they are.

Accepting that as true, this undercuts and neutralizes one route by which to apply the Political Question Doctrine. As such, their testimony is absolutely critical to establishing that the determination of constitutional qualifications has not been delegated to one of the political branches and is, instead, the province of the federal judiciary to determine.

Despite the indisputable necessity of their testimony, counsel for Defendant Secretary of State David Scanlan has **objected** to Plaintiff taking the testimony of Defendant Secretary of State David Scanlan and Material Witness John Michael Formella. However, as Plaintiff has explained, their testimony is indisputably crucial to dispelling the myth that the Political Question Doctrine denies this Court jurisdiction.

REQUESTED RELIEF

Plaintiff requests that Defendant Donald John Trump, Defendant David Michael Scanlan, and Material Witness John Michael Formella be compelled to attend the jurisdictional hearing on Friday, October 20, at 11am ET either in-person or remotely by video teleconference.

Dated: October 16, 2023.

Respectfully submitted,

By: /s/ John Anthony Castro
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Plaintiff Pro Se

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was electronically filed with the Court via CM/ECG on October 16, 2023 and that all parties are registered users of said system and will be electronically notified.

/s/ John Anthony Castro
John Anthony Castro